

REMARKS**INTERVIEW SUMMARY**

Pursuant to 37 CFR §1.133(b), Applicants acknowledge with appreciation the telephonic interview with the Examiner on August 23, 2005 during which the foregoing claim amendments and following rejections were discussed. In particular, Applicants discussed the rejection of claims 64-66 under 35 U.S.C. §112, second paragraph, as being indefinite based on reference to the human germline sequences, V_H 3-30.3, V_K L18, and V_K A27. Applicants agreed to submit the enclosed Declaration by Dr. Nils Lonberg to support their arguments that claims 64-66 are clear and definite.

Amendments to the claims

Claims 59-69, 71, 85, 88, 89 and 99 were pending in the application. Applicants gratefully acknowledge that claims 59-63, 67-69, 71, 85, 88, 89 and 99 have been indicated allowable.

As discussed during the telephonic interview, Applicants have amended claims 64-66 to remove reference to the sequence information which the Examiner considers to be new matter. Accordingly, the rejection based on new matter is now moot and the original rejection of claims 64-66 under 35 U.S.C. §112, second paragraph, as being indefinite is addressed below.

The foregoing amendments should in no way be construed as acquiescence to any of the Examiner's rejections and were made solely to expedite prosecution. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s). No new matter has been added.

Rejection of Claims 64-66 Under 35 U.S.C. § 112, Second Paragraph

Claims 64-66 were previously rejected as being indefinite. The Examiner stated that "the specification, as originally filed, only disclosed the general nomenclature for said germline, for example, V_H3-30.3, V_KL18 and V_KA27, without providing a sequences data or specific database name and accession numbers to retrieve the specific sequences of these genes." Specifically, the Examiner asserted that claims 64-66 were indefinite based on reference to the V_H 3-30.3, V_K L18, and V_K A27 germline genes "because the characteristics of these genes are not known."

Applicants respectfully traverse this rejection for reasons previously set forth on the record, as elaborated in the accompanying Declaration by Dr. Nils Lonberg. As discussed in detail in the Declaration and related appendices, not only was the nomenclature of the V_H 3-30.3, V_K L18, and V_K A27 genes well established, accepted and known in the art by the filing date of the present application, but also they had been mapped and sequenced in their entirety. In addition, each of these V_H 3-30.3, V_K L18, and V_K A27 designations corresponds to a single gene (*i.e.*, a single allele), the full-length sequence of which was known and publicly available at the filing date of the present application. As such, use of these gene designations in the claims of the present application would have been clear and definite to one of ordinary skill in the art.

Based at least on the foregoing claim amendments and the information submitted herewith, claims 64-66 are clear and definite. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 64-66.


CONCLUSION

In view of the foregoing, allowance of the instant application with all pending claims is respectfully solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Applicants believe no fee is due. If a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MXI-211RCE, from which the undersigned is authorized to draw.

Dated: November 1, 2005

Respectfully submitted,

By 
Jeanne M. DiGiorgio
Registration No.: 41,710
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant